

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

MAY 10 2017

Sharon
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY LAMAR BELL,

Defendant.

CR 05-40061

ORDER

Pending before the Court is Defendant Gregory Lamar Bell's July 27, 2015, Motion to Appoint Counsel and Motion for Reconsideration regarding Judgment and Commitment, Doc. 35. Defendant was seeking relief based on the United States Supreme Court decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). The Court appointed counsel on November 19, 2015, Doc. 36. On January 27, 2016, Bell's lawyer filed on his behalf a Motion to Reduce Sentence, again based on the United States Supreme Court decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). When the January 2016 filing was made, a civil action, *Gregory Lamar Bell v. United States of America*, CIV 16-4016, was opened and all further docketing and filing was in that civil action.

On March 27, 2017, Defendant, through his counsel, filed a Motion to Dismiss the civil action, and the Court granted that Motion. Accordingly,

IT IS ORDERED that Defendant's Motion to Appoint Counsel and Motion for Reconsideration regarding Judgment and Commitment, Doc. 35, is denied as moot.

Dated this 9th day of May, 2017.

BY THE COURT:

Lawrence L. Piersol

Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *Summer Wahba*
Deputy